

ORIGINAL
 UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

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Case No. CR 02-938 (A)-GHK

Date October 3, 2006

Present: The Honorable George H. King, United States District Judge

Interpreter

Beatrice Herrera

Not Reported

Stephen Wolfe

Deputy Clerk

Court Reporter/Recorder, Tape No.

Assistant U.S. Attorney

U.S.A. v. Defendant(s):

Present Cust. Bond

Attorneys for Defendants:

Present App. Ret.

Michael Patrick McElhiney

NO X

Pro Se (Standby Counsel:

James Bisnow, Diane Bass)

NO X

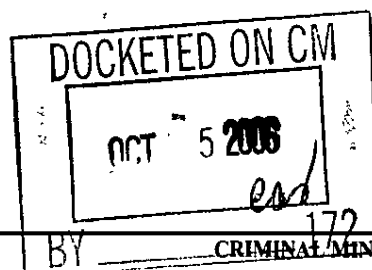
Order Re: Defendant McElhiney's Ex Parte Application for Reconsideration of Order Regarding Attorney Fees for
Proceedings: Second Counsel

On January 11, 2006, Darlene Ricker, Defendant McElhiney's then second standby counsel, requested that we allow her to bill at the capital counsel rate. We denied the motion because Ms. Ricker had not shown that her service as standby counsel would be sufficiently burdensome so as to justify the higher billing rate.

After Ms. Ricker withdrew as second standby counsel, we appointed Diane Bass to the position on September 18, 2006. However, we denied Mr. McElhiney's request that Ms. Bass be allowed to bill at the capital counsel rate because there had not been any showing that Ms. Bass' service would be sufficiently burdensome so as to justify the higher billing rate.

Mr. McElhiney now requests reconsideration of our September 18, 2006 ruling regarding attorney's fees for Ms. Bass. Ms. Bass indicates that her services in this case will consume enough of her time such that she will be unable to take on other cases. *See* Declaration of Diane C. Bass, at 6. Because we find that the burden of serving as standby counsel will be sufficiently onerous, we GRANT Mr. McElhiney's motion for reconsideration and ORDER that Ms. Bass be compensated at the capital counsel rate of \$163 per hour for services rendered in this action.

IT IS SO ORDERED.



Initials of Deputy Clerk

[Signature]

cc: